

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRANDON W. LEIGH,	:	Case No. 3:24-cv-192
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Elizabeth P. Deavers
	:	
WARDEN, LONDON	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondents.	:	

REPORT AND RECOMMENDATION

Petitioner has filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for a writ of habeas corpus. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of March 15, 2024 he had \$20.94 on account to his credit, with an average monthly balance of \$18.00, average monthly state pay of \$18.00, and total funds received, excluding state pay, during the prior six months of \$1,2232.10. (*See* Doc. 1 at PageID 1).¹ The application thus demonstrates that petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action. Accordingly, it is **RECOMMENDED** that petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) be **DENIED** and petitioner be ordered to pay the full filing fee of \$5.00 within **thirty (30) days**.

¹ The petition in this case was filed on July 3, 2024, approximately four months after the six-month time period covered by the financial statement submitted in support of his motion for leave to proceed *in forma pauperis*. If petitioner's financial status has changed, petitioner may submit an updated application reflecting his current financial status.

Petitioner should also be notified that his failure to pay the full filing fee within thirty days will result in the dismissal of this action.

IT IS SO RECOMMENDED.

Date: July 11, 2024

s/ Elizabeth A. Preston Deavers
Elizabeth A. Preston Deavers
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).